



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/812,971 | 03/19/2001 | Warren Edward Baxley | 7257/80 | 9998 |

7590 06/28/2004
TERRIL G. LEWIS
WONG CABELLO, LLP
20333 S.H. 249
SUITE 600
HOUSTON, TX 77070

EXAMINER

LIN, WEN TAI

ART UNIT PAPER NUMBER

2154

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,971

Applicant(s)

BAXLEY ET AL.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-23 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9, 11-14 and 19 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 8, 10 and 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2, 5-7.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-23 are presented for examination.
2. Claims 20-23 are allowable because the prior art of record does not teach or suggest individually or in combination a method for tuning the allocation of multipoint control unit resources for multipoint network events such as video conferencing by establishing a statistical, self-tuning model on the multipoint network events, wherein predetermined tuning intervals are used to measure and normalize the actual utilization of MCU resources in comparison with accumulated multipoint network events, and determine a probability value for future use of MCU resources based on the measured past events and their respective resource utilization.
3. Claim 19 is objected to because the term "the aforesaid multipoint network event" appears to lack antecedent basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyrud [WO 98/57485] in view of Official Notice.

6. Nyrud is cited from the IDS filed on 1/3/2003.

7. As to claim 1, Nyrud teaches the invention substantially as claimed including: a method for allocating MCU resources for a multipoint network event, said method comprising the steps of:

receiving an allocation request for the multipoint network event, said request at least associated with a number for the maximum MCU resources for the multipoint network event, determining the number of MCU resources to allocate at the start of the multipoint network event [page 6, line 36 - page 7, line 13].

Nyrud did not specifically teach that the start MCU resources allocation number is less than or equal in value than the maximum MCU resources number.

However, Official Notice is taken that it is a well-known practice not to assign resource amount more than what is being requested. Therefore, it is obvious to maintain such a practice in Nyrud's system because an over-booked system tends to spend additional time resolving resource conflicts and would thus substantially degrade the system performance and efficiency.

8. As to claims 2-4, Nyrud further taught that the step of receiving the allocation request originates in the plurality of MCUs, a common channel signaling interface, or as an external allocation request [Fig.1; page 10, lines 12 - 29; page 2, line 31 - page 3, line 6; that is, requests could come from any entity of the LAN across the WAN as a direct call or Internet connection into a specific MCU].

9. As to claims 9 and 11-13, since the features of these claims can also be found in claims 1-4, they are rejected for the same reasons set forth in the rejection of claims 1-4 above.

10. Claims 6, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyrud [WO 98/57485], as applied to claims 1-4, 9 and 11-13 above, further in view of Yang et al.(hereafter "Yang")[U.S. Pat. No. 6192243].

11. Yang is cited from the IDS filed on 6/10/2002.

12. As to claim 6, Nyrud teaches the invention substantially as claimed including: a method for dynamical allocation of MCU resources during a multipoint network event [page 5, lines 24-26], said method comprising the steps of determining the number of MCU resources to allocate for the start of the multipoint network event [page 6, line 36 - page 7, line 13].

Nyrud does not specifically teach a method for time varying allocation of MCU resources during a multipoint network event, wherein at each of a plurality of modeling intervals during the multipoint network event, adjusting the number of allocated MCU resources based on users actually in the multipoint network event.

Yang taught a method of adjusting the number of allocated resources as a time-varying event based on a plurality of modeling intervals [col.3, lines 35-55; col.8, line 41 - col.9, line 24].

It would have been obvious to combine the teachings of Nyrud and Yang, because Yang's time-varying modeling based on pre-selected time intervals would make Nyrud's resource allocation method dynamically reflecting the true usage of resources for the entire event.

13. As to claims 14 and 19, since the features of this claim can also be found in claims 1-4, 6, 9 and 11-13, they are rejected for the same reasons set forth in the rejection of claims 1-4, 9 and 11-13 above.

14. Claims 5, 7-8, 10 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Art Unit: 2154

Savage et al. [U.S. PGPub 20010009014]; and

Baughner et al. [U.S. Pat. No. 5819043].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

June 22, 2004

Wen-Tai Lin
6/22/04